problem facing our country actually doubled and so did the share of those most worried about the price of gas.

Consumer price hikes have now set new 40-year records multiple months in a row. More and more American families are feeling the pinch. And 7 in 10 say they do not like how President Biden is handling it.

It was clear from the start that the Biden administration's war on affordable energy would punish American consumers, and even liberal economists warned that flooding our economy with partisan spending could trigger broad inflation.

Sure enough, American families have now endured 9 straight months of inflation above a 5-percent annual pace, and the worst effects are being felt in the most vulnerable pockets of our society.

One analysis of spending on household staples found that cost cutting ''is most pronounced among lower-income Americans.''

As the Washington Post reported, ''lower-income workers like [Jacqueline] Rodriguez have seen some of the fastest wage growth of the pandemic era. But those gains are being eroded by the highest inflation in 40 years. . . . 'It's outrageous how much everything has gone up,' Rodriguez said. 'I go to the supermarket to buy chicken, and I have to make a decision on what meal I'm going to cook based on the prices. . . . Everything is more expensive.' ''

Another group who especially remain vulnerable are seniors on fixed incomes. One retired teacher in North Carolina recently said it like this:

> Just surviving day to day has become a big concern of mine—because, how in the world? . . . I'm starting to panic. I'm starting to think, ''How am I going to keep paying for everything?''

Many retirees already face health challenges or other hardships so there is simply no wiggle room in their budgets.

One California man explained that cancer was the reason he had to retire in the first place. Now he is ''scraping the bottom of the barrel. . . . I do most of my food shopping in markdown bins and don't buy much else.''

One White House official has seemed to endorse the sentiment that inflation is ''a high-class problem.'' A whole lot of low-income Americans and retired Americans could very readily set them straight on that.

Last autumn, the administration's top spokeswoman scoffed at what she called ''the tragedy of the treadmill that's delayed.''

Well, that may be the extent of the pain that inflation and supply chain problems are causing certain affluent people—people like those inside the beltway having to wait a little extra on luxury purchases—but I can assure the President's team that many Americans are hurting a lot worse than they are.

The very least the administration must do is stop digging; no more reckless spending, no gigantic tax increases that would damage the economy even further.

Yet Senate Democrats won't give up on yet another reckless spending spree, and just last week, the Biden administration proposed to smack the country with the largest tax hike in American history.

The last thing American families can afford is more of the same recklessness that got us where we are.

NOMINATION OF KETANJI BROWN JACKSON

Mr. President, now on a different matter, the Constitution makes the President and the Senate partners in selecting Supreme Court Justices. And as a practical matter, each Senator gets to define what ''advice and consent'' means to them.

For much of the 20th century, Senates typically took a different approach. Senators tended to give Presidents a lot of leeway as long as nominees checked basic professional and ethical boxes.

But then the political left and Senate Democrats initiated a series of major changes. In the late 1980s, Democrats thrust the Senate into a more aggressive posture toward nominations with an unprecedented, scorched-earth smear campaign that took aim at a nominee's judicial philosophy.

The Washington Post editorial board said back at the time that the formerly ''conventional view'' that Presidents would get great deference had now ''fallen into . . . disrepute.'' They worried that a ''highly politicized future'' for ''confirmation proceedings'' might lie ahead following Democrats' actions.

Well, just a few years later, personal attacks on then-Judge Thomas made the previous hysteria over Judge Bork seem like lofty debate by comparison.

And 1 year after that, in 1992, then-Senator Biden proclaimed that if another vacancy occurred toward the end of President Bush 41's term, the Judiciary Committee should not hold any hearings before the Presidential election.

Well, that situation didn't arise that year, and once President Clinton took office, Republicans did not try to match Democrats' behavior simply out of spite. We tried actually to deescalate. Justices Ginsburg and Breyer both won lopsided votes with opposition in single digits. That was during a time when Republicans were in the majority.

But the very next time that Democrats lost the White House, the precedent-breaking tactics came roaring back.

During the Bush 43 administration, Senate Democrats, and especially the current Democratic leader, took the incredibly rare tactic of filibustering judicial nominations and made it routine.

The press at the time described the sea change:

> They said it was important for the Senate to change the ground rules and there was no obligation to confirm someone just because they are scholarly or erudite.

Democrats decided that pure legal qualifications were no longer enough. They wanted judicial philosophy on the table.

So, 20 years ago, several of the same Senate Democrats who are now trumpeting the historic nature of Judge Jackson's nomination used these tactics to delay or block nominees, including an African-American woman and a Hispanic man—both, of course, nominated by a Republican President.

In one case, Democrats suggested their opposition was specifically—listen to this—specifically because the nominee's Hispanic heritage would actually make him a rising star.

Half—half—of Senate Democrats voted against Chief Justice Roberts, the best appellate advocate of his generation. All but four Democrats voted against Justice Alito, who had the most judicial experience of any nominee in almost a century.

There was no question about the basic legal qualifications of either, but Democrats opposed both. And in mid-2007, more than a year before the next Presidential election, Senator SCHUMER expanded upon the Biden standard from 15 years prior. He said that if another Supreme Court vacancy arose, Democrats should not let President Bush fill it.

Our colleague from New York proposed to keep a hypothetical vacancy open until an election that was more than a year away. During President Obama's terms, Republicans took up the same hardball tactics that Democrats had just pioneered.

But our colleagues recoiled at the taste of their own medicine and broke the rules to escape it. They preferred to detonate the ''nuclear option'' for the first time ever rather than let President Obama's nominees face the same treatment they had just invented—invented—for President Bush's.

Democrats did not then change the rule for the Supreme Court because there was no vacancy. But the late Democratic leader Harry Reid said publicly he would do the same thing for the Supreme Court with no hesitation.

By 2016, Democrats had spent 30 years radically changing the confirmation process, and now they had nuked the Senate's rules. Obviously, this pushed Republicans into a more assertive posture ourselves.

So when an election-year vacancy did arise, we applied the Biden-Schumer standard and did not fill it. And then, when Democrats filibustered a stellar nominee for the next year, we extended the Reid standard to the Supreme Court.

In 2016 and 2017, Republicans only took steps that Democrats had publicly declared they would take themselves. Yet our colleagues spent the next 4 years—4 years—trying to escalate even further.

Justice Gorsuch, impeccably qualified, received the first successful partisan filibuster of a Supreme Court

nominee in American history; Justice Kavanaugh got an astonishing and disgraceful spectacle; and Justice Barrett received baseless, delegitimizing attacks on her integrity.

Now, this history is not the reason why I oppose Judge Jackson. This is not about finger-pointing or partisan spite. I voted for a number of President Biden's nominees when I could support them, and just yesterday, moments after the Judiciary Committee deadlocked on Judge Jackson, they approved another judicial nominee by a unanimous vote.

My point is simply this: Senate Democrats could not have less standing to pretend—pretend—that a vigorous examination of a nominee's judicial philosophy is somehow off limits.

My Democratic friends across the aisle have no standing whatsoever to argue that Senators should simply glance—just glance—at Judge Jackson's resume and wave her on through.

Our colleagues intentionally brought the Senate to a more assertive place. They intentionally began a vigorous debate about what sort of jurisprudence actually honors the rule of law. This is the debate Democrats wanted. Now it is the debate Democrats have. And that is what I will discuss tomorrow—why Judge Jackson's apparent judicial philosophy is not well suited to our highest Court.

VOTE ON MOTION

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the motion to discharge.

The yeas and nays have been previously ordered.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

The result was announced—yeas 50, nays 50, as follows:

[Rollcall Vote No. 127 Ex.]

YEAS—50

Baldwin	Hickenlooper	Reed
Bennet	Hirono	Rosen
Blumenthal	Kaine	Sanders
Booker	Kelly	Schatz
Brown	King	Schumer
Cantwell	Klobuchar	Shaheen
Cardin	Leahy	Sinema
Carper	Luján	Smith
Casey	Manchin	Stabenow
Coons	Markey	Tester
Cortez Masto	Menendez	Van Hollen
Duckworth	Merkley	Warner
Durbin	Murphy	Warnock
Feinstein	Murray	Warren
Gillibrand	Ossoff	Whitehouse
Hassan	Padilla	Wyden
Heinrich	Peters	

NAYS—50

Barrasso	Ernst	McConnell
Blackburn	Fischer	Moran
Blunt	Graham	Murkowski
Boozman	Grassley	Paul
Braun	Hagerty	Portman
Burr	Hawley	Risch
Capito	Hoeven	Romney
Cassidy	Hyde-Smith	Rounds
Collins	Inhofe	Rubio
Cornyn	Johnson	Sasse
Cotton	Kennedy	Scott (FL)
Cramer	Lankford	Scott (SC)
Crapo	Lee	Shelby
Cruz	Lummis	Sullivan
Daines	Marshall	Thune
Tillis	Toomey	Wicker
	Tuberville	Young

(Mr. PADILLA assumed the Chair.)

The VICE PRESIDENT. On this vote, the yeas are 50, the nays are 50.

The Senate being equally divided, the Vice President votes in the affirmative, and the motion is agreed to.

The nomination is discharged and will be placed on the calendar.

LEGISLATIVE SESSION

The PRESIDING OFFICER (Mr. PADILLA). Under the previous order, the Senate will resume legislative session.

The majority leader.

EXECUTIVE SESSION

EXECUTIVE CALENDAR—Motion to Proceed

Mr. SCHUMER. Mr. President, I move to proceed to executive session to consider Calendar No. 860.

The PRESIDING OFFICER. The question is on agreeing to the motion.

Mr. SCHUMER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 53, nays 47, as follows:

[Rollcall Vote No. 128 Leg.]

YEAS—53

Baldwin	Hickenlooper	Reed
Bennet	Hirono	Romney
Blumenthal	Kaine	Rosen
Booker	Kelly	Sanders
Brown	King	Schatz
Cantwell	Klobuchar	Schumer
Cardin	Leahy	Shaheen
Carper	Luján	Sinema
Casey	Manchin	Smith
Collins	Markey	Stabenow
Coons	Menendez	Tester
Cortez Masto	Merkley	Van Hollen
Duckworth	Murkowski	Warner
Durbin	Murphy	Warnock
Feinstein	Murray	Warren
Gillibrand	Ossoff	Whitehouse
Hassan	Padilla	Wyden
Heinrich	Peters	

NAYS—47

Barrasso	Graham	Portman
Blackburn	Grassley	Risch
Blunt	Hagerty	Rounds
Boozman	Hawley	Rubio
Braun	Hoeven	Sasse
Burr	Hyde-Smith	Scott (FL)
Capito	Inhofe	Scott (SC)
Cassidy	Johnson	Shelby
Cornyn	Kennedy	Sullivan
Cotton	Lankford	Thune
Cramer	Lee	Tillis
Crapo	Lummis	Toomey
Cruz	Marshall	Tuberville
Daines	McConnell	Wicker
Ernst	Moran	Young
Fischer	Paul	

The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER (Mr. LUJÁN). The clerk will report the nomination.

The bill clerk read the nomination of Ketanji Brown Jackson, of the District of Columbia, to be an Associate Justice of the Supreme Court of the United States.

CLOTURE MOTION

Mr. SCHUMER. Mr. President, I proudly and happily send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 860, Ketanji Brown Jackson, of the District of Columbia, to be an Associate Justice of the Supreme Court of the United States.

Charles E. Schumer, Richard J. Durbin, Patrick J. Leahy, Dianne Feinstein, Sheldon Whitehouse, Amy Klobuchar, Christopher A. Coons, Richard Blumenthal, Mazie K. Hirono, Cory A. Booker, Alex Padilla, Jon Ossoff, Patty Murray, Raphael G. Warnock, Sherrod Brown, Elizabeth Warren, Margaret Wood Hassan, Tina Smith, Ben Ray Luján, Jacky Rosen.

The PRESIDING OFFICER. The Senator from Texas.

NOMINATION OF KETANJI BROWN JACKSON

Mr. CORNYN. Mr. President, later this week, perhaps in a day or two, the Senate will vote on the nomination of Judge Ketanji Brown Jackson to serve as a member of the U.S. Supreme Court.

Last week, I laid out my reasons for my opposition to this nomination, and yesterday, I voted against her nomination in the Judiciary Committee. But I want to make clear that my vote against Judge Jackson is not a rebuke of her legal knowledge, her experience, or her character. Judge Jackson is obviously very smart. She has vast practical experience, which I think is very useful. She is likeable. And she is very clearly passionate about her work.

The Senate's constitutional duty to provide advice and consent, though, requires us to look beyond Judge Jackson's resume and personality to understand her judicial philosophy and the lens through which she views her role as a judge.

Certainly, the Senate must evaluate whether Judge Jackson will act fairly and impartially. We have also got to make a judgment whether she will leave her personal beliefs and her policy preferences at the door and whether she will respect the bounds of her role as a judge or attempt to establish new judge-made law.

This last point is absolutely critical, in my view. The Founders wisely established a system of checks and balances to ensure that no person or institution wields absolute power. The legislative branch, of course, makes law; the executive branch enforces the law; and the judicial branch interprets the law. We have each got our responsibilities under the Constitution.